

Date: July 28, 2004
W.I.: 1125
Referred by: PAC

ABSTRACT

Resolution No. 3644

This Resolution adopts the program guidelines for MTC's Regional Bicycle and Pedestrian Program (RBPP) funded with Congestion Mitigation and Air Quality (CMAQ) Program funds.

The following attachment is provided with this Resolution:

Attachment A— Regional Bicycle and Pedestrian Program Guidelines

Date: July 28, 2004
W.I.: 1125
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RE: Regional Bicycle and Pedestrian Program Guidelines

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. NO. 3644

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation agency for the San Francisco Bay Area pursuant to Government Code Section 66500 *et seq.*; and

WHEREAS, MTC has developed a process and criteria to be used in the selection and ranking of Regional Bicycle and Pedestrian Program (RBPP) projects to be funded with Congestion Mitigation and Air Quality Program (CMAQ) funds attached hereto and incorporated herein as though set forth at length; and

WHEREAS, MTC will use the process and criteria set forth in the attachments of this Resolution to develop a program of projects for the Regional Bicycle and Pedestrian Program to be amended into the Transportation Improvement Program (TIP).

RESOLVED, that MTC approves the process and criteria to be used in the selection of Regional Bicycle and Pedestrian projects to be amended into the TIP, as set forth in Attachment A of this Resolution; and be it further

RESOLVED, that the Executive Director shall forward a copy of this Resolution, and such other information as may be required, to the Governor, Caltrans, and to such other agencies as may be appropriate.

METROPOLITAN TRANSPORTATION COMMISSION

Steve Kinsey, Chair

The above Resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on July 28, 2004.

Date: July 28, 2004
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Attachment A
MTC Resolution No. 3644
Page 1 of 9

Regional Bicycle and Pedestrian Program Program Guidelines

I. Program Description

The Regional Bicycle and Pedestrian Program was created by the Commission to fund the construction of the Regional Bicycle Network and regionally significant pedestrian projects. The Commission committed \$200 million in Phase One of Transportation 2030 to support the regional program over a 25-year period. These guidelines govern the first four years worth of Federal Congestion Management and Air Quality Mitigation (CMAQ) funding, a total of \$32 million for FY 2005/06 through FY 2008/09.

Sub-Programs: The program funds in the first four years are divided into two portions: 25% of the total funds is designated as the Regional Portion, a competitive program in which projects will be selected based on evaluation criteria in these guidelines; the remaining 75% of the funds is designated as the County Portion which is distributed to county congestion management agencies (CMAs) based on their county population shares. The CMAs, with review of bicycle and pedestrian interests, will select projects for the 75% county portion based on criteria developed by the CMA and will identify projects to submit to MTC for consideration for the 25% regional portion. Consistent with MTC Resolution No. 3615, each county will receive 100% of its population share of funding over a 12-year period. Table 1 shows each county's total four-year 75% program level; annual targets consistent with the programming policies in MTC Resolution 3615 will be provided by MTC in the call for projects. Table 2 shows each county's 100% 12-year population share.

Table 1: Program Funding Levels FY 05/06 – FY 08/09

	Funds Available
Total 4-Year Funding	\$32,000,000
Total Regional Portion (25%)	\$8,000,000
Total County Portion (75%)	\$24,000,000
Alameda	\$5,107,755
Contra Costa	\$3,356,779
Marin	\$874,874
Napa	\$439,682
San Francisco	\$2,747,973
San Mateo	\$2,501,837
Santa Clara	\$5,952,752
Solano	\$1,395,835
Sonoma	\$1,622,513

Table 2: 12-Year 100% County Shares*

County	Population Share	
Alameda	\$20,431,020	21%
Contra Costa	\$13,427,117	14%
Marin	\$3,499,496	4%
Napa	\$1,758,727	2%
San Francisco	\$10,991,894	11%
San Mateo	\$10,007,349	10%
Santa Clara	\$23,811,007	25%
Solano	\$5,583,339	6%
Sonoma	\$6,490,050	7%
Total 12-Year Funding	\$96,000,000	100%

*Subject to availability of funds

Mode-Split Targets: The program has an overall goal to fund bicycle and pedestrian projects equally over a 12-year period. However, to encourage pedestrian projects that may not have other sources of dedicated funding, the Regional portion and each County Portion are expected to direct a minimum of 25% of their respective funds over the 12-year period toward projects predominantly serving pedestrians.

II. Eligible Applicants

Regional Bicycle and Pedestrian Program grants are available to local governments, transit operators, and other public agencies that are eligible recipients of federal funds. Community-based organizations and nonprofits may be co-partners but cannot receive the funds. Grant recipients will be required to take the capital project through the federal-aid process with Caltrans Local Assistance, and obligate, or commit, the federal funds by the regional obligation deadline specified by MTC. In addition, grant recipients are strongly encouraged to attend a training workshop offered by Caltrans on project implementation and the federal aid process.

III. Eligible Projects

Project activities eligible for funding include: pedestrian and bicycle facilities (including bike parking) that provide access to regional transit, lifeline transit, regional activity centers, or schools; bicycle facilities on the Regional Bicycle Network defined in the Regional Bicycle Plan (December 2001); and regionally significant pedestrian projects. Pedestrian projects are intended to be inclusive of facilities or improvements that accommodate wheelchair use. All projects must meet eligibility criteria and project readiness requirements described below consistent with CMAQ eligibility guidelines.

Project Eligibility Criteria

All projects are required to demonstrate a likely mode shift to bicycling or walking.

Projects must meet all of the following criteria to be eligible for the Regional or County portions of the program:

1. Project falls into one of the following categories:

Bicycle Projects

- Included in the Regional Bicycle Network as defined in the adopted Regional Bicycle Plan (December 2001)

Pedestrian Projects

- Provides access to and within regional activity centers¹

Project Serves Either Bicyclists or Pedestrians

- Provides access to regional transit or lifeline transit²
- Meets Safe Routes to Schools criteria

2. Project is CMAQ eligible under Federal guidelines. The project sponsor must be able to demonstrate the project encourages walking or bicycling as a means of improving air quality. Note that Federal guidelines prohibit the use of CMAQ funds for projects purely intended for safety as well as for basic repair and rehabilitation of bicycle or pedestrian facilities. CMAQ funds *may* be used to fund a limited period of operations for an attended bicycle parking facility (i.e., bikestation)
3. Sponsor assures a local match of at least 11.5% of the total project cost will be available.
4. Funding request is at least \$300,000 and does not exceed \$4 million or the county's 12-year population share of funds, whichever is less. Counties with a four-year share of \$2 million or less may fund projects below the \$300,000 limit. As a general guideline, auxiliary elements (e.g. ADA access improvements, utility trenching, drainage work, fire hydrants, landscaping, cosmetic resurfacing, surface improvements, etc.) that are incidental to the overall project should not exceed 20% of the total project cost. Signage designating a bicycle or pedestrian facility is not considered auxiliary elements for this program. Exceptions may be allowed at the discretion of the CMA (for the County Portion) or MTC (for the Regional Portion). In particular, new sidewalk projects may be exceptions.
5. Project is well-defined and results in a usable segment. MTC defines a usable segment as a section of public improvements that has defined start and end points and allows continuous travel from the start point to the end point.
6. Sponsor agrees to abide by all applicable regulations, including the National Environmental Policy Act (NEPA) and the American with Disabilities Act (ADA).
7. Sponsor understands and agrees to MTC project delivery requirements as described in MTC Resolution No. 3606. Key highlights are shown below:
 - a. Federal funds through the Regional Bicycle and Pedestrian Grants program are fixed

¹ Regional activity centers include universities, hospitals, major commercial districts, major employment centers, central business districts, and major public venues. Priority should be given to projects serving utilitarian trip purposes. Projects providing pedestrian access to or within a regional activity center will be eligible for funding. Projects providing bicycle access to or within a regional activity center are only eligible if the facility is included on the Regional Bicycle Network.

² Regional transit is transit serving a regional activity center and is typically a "trunkline" service. Lifeline transit serves low-income, transit-dependent communities.

- at the programmed amount, and therefore any cost increase would not be funded through the Regional Bicycle and Pedestrian Program.
- b. Projects are to be designed and built consistent with the project description contained in the grant application, and if approved, as programmed in MTC's Transportation Improvement Program (TIP).
 - c. A field review with Caltrans Local Assistance will be completed within six (6) months of grant approval.
 - d. The appropriate NEPA document for the project will be certified through the office of Caltrans Local Assistance within twelve (12) months of grant approval.
 - e. Federal funds will be obligated by the fund obligation deadline established by MTC for this grant cycle.
 - f. MTC will be notified immediately to discuss potential project implications that will affect the delivery of the project.
 - g. The project sponsor or a cooperating agency commits to maintaining the project.

Project Readiness Criteria

The following criteria will be used to evaluate whether a project will be able to meet the fund obligation deadline. Projects determined to be unlikely to meet the fund obligation deadline will be considered ineligible.

1. Is the project dependent upon another uncompleted major capital project?
2. Has a PSR or feasibility study been completed?
3. What type of environmental document required by CEQA and NEPA will be (has been) prepared, and when would it be (was it) certified? What environmental issues may require more detailed study?
4. Is the project entirely within the local agency's right-of-way? Are any new right-of-way, permits or easements needed, and when would it be acquired if needed?
5. Is there a utility relocation phase within the project area but implemented separately from the project?
6. Have all affected departments within the local government agency, transit agency, and/or other public agency (1) been involved in the development of the project and (2) reviewed the project to ensure project feasibility?
7. Is there significant local opposition or any pending lawsuits related to the project that may prevent the project from meeting the funding obligation deadline?

IV. Criteria for Project Selection and Prioritization

County Portion (75%)

For the county portions, projects meeting the eligibility criteria outlined in Section III may be selected and recommended for programming based on criteria developed at the discretion of each CMA. CMAs may choose to use scoring factors in table 2 (below) for this purpose. CMAs are welcome but not required to adopt the Regional Portion project selection factors listed below. Project selection factors must be consistent with the Project Eligibility Criteria above and must address both pedestrian and bicycle projects.

Regional Portion (25%)

Projects meeting the Project Eligibility Criteria will be prioritized and recommended for funding based on the degree to which they:

- Provide bike and/or pedestrian access to regional transit / lifeline transit, schools, regional activity centers
- Eliminate major gap or obstacle in a bike or pedestrian facility
- Have community support, as indicated by inclusion in an adopted plan or other document endorsed by community advisory groups
- Address safety concerns
- Provide local matching funds
- Are regionally significant

The basis for scoring in each of these factors is outlined in Table 2.

Table 2: Scoring Basis for Selecting Projects for Regional Portion

Focus Area	Ranking and Description	Points
<u>Gap closures</u> in sidewalk or regional bicycle network serving mobility needs Addresses <u>barrier</u> * to completing trip	High: Project provides means to overcome a barrier e.g. bridge over freeway, expressway, or rail line) or eliminates a gap (e.g. a new bike lane or a new sidewalk in a corridor without facilities) where <u>no</u> nearby facility exists.	8-10
	Med: Project reduces consequences of an existing barrier or gap to provide more direct non-motorized travel where limited or inferior alternatives exist.	4-7
	Low: Project <u>extends</u> an existing pedestrian facility or regional bicycle route (e.g. bike lane or sidewalk), working towards a gap closure, but not eliminating it.	0-3
<u>Access</u> to schools, regional transit**, lifeline transit** or to/within regional activity center***	High: Project is specifically designed to significantly improve access to a destination. Project will be within ¼ mile (pedestrian facility) or 1/2 mile (bike facility) in actual walking/biking distance from destination.	8-10
	Medium: Project will generally enhance access to a destination. Project will be within ½ mile (pedestrian facility) or 1 mile (bike facility) in actual walking/biking distance from destination.	4-7
	Low: Project improves upon limited existing access. Project will be beyond 1/2 mile (pedestrian facility) or 1 mile (bike facility) in actual walking/biking distance from destination.	0-3
<u>Safety</u>	High: Project will address a demonstrated safety issue (e.g. collision statistics are high). Project will address safety concern with a proven or demonstrated counter measure.	8-10
	Med: Project will improve a situation with some safety issues (e.g. some reported collisions, conflicts, near-misses, or evidence of high vehicle traffic volume or speed)	4-7
	Low: Project will generally improve safety, even though there are no known problems.	0-3

* Barriers include major arterials, freeways, major transit facilities, railroad tracks, creek/streams, etc. A substandard or deficient facility is generally considered a “medium” gap.

** Regional transit is transit serving a regional activity center. Lifeline transit serves low-income, transit-dependent communities.

*** Regional activity centers include universities, hospitals, major commercial districts, major employment centers, , central business districts and major public venues. Priority should be given to projects serving utilitarian trip purposes when possible. Pedestrian access to or within a regional activity center will be eligible for funding. Bicycle access to or within a regional activity center is only eligible if it is included on the regional bicycle network.

Table 2: Scoring Basis for Regional Prioritization Factors cont.

Focus Area	Ranking and Description	Points
<u>Community Support</u>	High: Project has strong documented community <u>and</u> neighborhood support. Letters of support OR minutes indicating actions taken in support of project provided. Projects are included in a local, county or community-based plan.	8-10
	Med: Project has <u>some</u> community & neighborhood support. Projects are included in a local, county or community-based plan.	4-7
	Low: Community outreach will be completed as part of the project, but little or none done to date.	0-3
<u>Other Funds</u> with a copy of local resolution	Project can commit over 35% of total project cost (includes 11.47% required match) from other sources	5
	Project can commit 30% to 34.9% of total project cost (includes 11.47% required match) from other sources	4
	Project can commit 25% to 29.9% of total project cost (includes 11.47% required match) from other sources.	3
	Project can commit 20% to 24.9% of total project cost (includes required 11.47% required match) from other sources.	2
	Project can commit 15 to 19.9% of total project cost (includes 11.47% required match) from other sources.	1
<u>Regional Significance Bonus</u>	Demonstrates multi-jurisdictional cooperation****; project is innovative; has potential to be replicated elsewhere; demonstrates regional significance	0-5

**** Jurisdictions include city/county public agencies, special districts, non-profit organizations, transit, etc.

V. Application and Evaluation Process

Step 1: MTC issues a “call for projects” to the CMAs. The call for projects will include a form for submitting projects for the Regional Portion.

Step 2: CMAs solicit projects within their counties

- a. CMAs screen projects based on the adopted eligibility criteria.
- b. With review from their bicycle and pedestrian committees (or other committees with bicycle and pedestrian interests represented³) CMAs select projects for the County Portions based on criteria developed at the discretion of each CMA and identify projects for submittal to MTC for the competitive Regional Portion.

Step 3: CMAs submit to MTC:

- Board approved, prioritized list of projects for the County portion with recommended programming years for each project. MTC staff will review county lists for consistency with the adopted eligibility criteria. The amount of funds requested by a CMA in any year may not exceed the annual county target provided by MTC with the call for projects. A CMA may choose to defer selection of specific projects for FY 07/08 and FY 08/09 until early 2006, when the remainder of the STP and CMAQ funds will be programmed in preparation for the 2007 Transportation Improvement Program (TIP).
- Project applications for those projects to be considered for the Regional Portion.
- Documentation that the projects recommended for the County portion and those submitted for consideration for the Regional Portion were reviewed with both bicycle and pedestrian interests, as described under Step 2.

Step 4: MTC evaluates projects submitted by CMAs for consideration for the Regional Portion. The evaluation will be conducted with a committee of representatives from the Regional Bicycle Working Group, Regional Pedestrian Committee, Bay Area Partnership and MTC staff.

Step 5: MTC’s Executive Director will make a funding recommendation to the Commission. The recommendation for the Regional Portion will be based on the evaluation in Step 4. The recommendation for the County Portion, will be based on the prioritized lists of projects submitted to MTC in Step 3. County priorities will be adhered to up to the 4-year county funding amount shown in Table 1. Projects with higher local match would receive priority for programming in the early years.

Step 6: Following Commission’s approval, grant recipients will submit to MTC a board-approved resolution demonstrating commitment to fund and build the project and an opinion of legal counsel. The recipient will attend a workshop on implementation and the federal-aid process. Grant recipients will be required to take the project through the

³ Pedestrian representatives can include advocates, public works staff, parks and recreation staff, or other agency staff with responsibility for planning and implementing pedestrian improvements.

federal-aid process with Caltrans Local Assistance. Funds returned from the County portion may be reprogrammed to another project based on the recommendations from the CMA. Funds returned to the Regional Portion will be reprogrammed according to Commission policy.

Crediting of Sales Tax funds

Consistent with Resolution 3615, a CMAQ crediting option is available to counties with existing sales tax measures that commit a minimum of 5% of the sales tax measure funds to bicycle and pedestrian projects. Alameda and San Francisco counties meet this threshold and are eligible to exercise this crediting option. These counties can receive a CMAQ credit (of up to 60% of their 75% population-share funding distribution in the Regional Bicycle and Pedestrian Program) for county sales tax measure funds dedicated to regional bicycle and pedestrian projects eligible under these guidelines. The credited amount can be used for other CMAQ eligible projects in the county.

Credit will be given at the start of each cycle. As a condition for receiving credit in the next four-year programming cycle, CMAs must report back to MTC at the end of each cycle with evidence that local sales tax funds were spent to implement eligible bike/pedestrian projects meeting the eligibility criteria in these guidelines. No credit will be allowed during the first two fiscal years of the program (FY 2005/06 and FY 2006/07).



METROPOLITAN
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Memorandum

TO: Programming and Allocations Committee

DATE: July 14, 2004

FR: Executive Director

RE: Regional Bicycle and Pedestrian Program Guidelines: MTC Resolution No. 3644

Background

In December 2003 the Commission created the Regional Bicycle and Pedestrian Program to fund construction of the Regional Bicycle Network and regionally significant pedestrian projects. Furthermore, the Commission committed \$200 million in Phase One of Transportation 2030 to support the regional program over a 25-year period.

In accordance with MTC Resolution No. 3615, a total of \$32 million in Congestion Mitigation and Air Quality Improvement (CMAQ) funds is available for programming regional bicycle and pedestrian funds over a four year period spanning Cycles 2 and 3 of the region's STP/CMAQ program. (FY 2005/06 through FY 2008/09). These funds are divided into two portions: 75% of the funds (\$24 million) is available for the County Portion with the remaining 25% (\$8 million) available for the Regional Portion. The County Portion is population-based and will be administered by the CMAs. During the four year period, each CMA will receive funds from the 75% County Portion proportional to their population share. The Regional Portion is discretionary and will be administered by MTC. Over a 12-year period, each county is guaranteed 100% of its county share from the county and regional portions.

A task force comprised of CMA staff and representatives of the Regional Bicycle Working Group and the Regional Pedestrian Committee was formed to develop program alternatives and funding policies to implement the regional program. In June the draft guidelines were presented to the Regional Bicycle Working Group, Regional Pedestrian Committee, and the Partnership Technical Advisory Committee for review and comment now reflected in this document.

Overview of Program Guidelines

The program guidelines are attached to this memo. We would like to draw your attention to the following provisions:

- The program would have an overall goal to fund bicycle and pedestrian projects equally over a 12-year period. However, in recognition that the projects selected for programming will depend a great deal on readiness, there would be a minimum requirement that 25% of the Regional and County Portions respectively be spent on projects that primarily benefit pedestrians. This is intended to provide incentives to encourage development of good pedestrian projects, which, unlike bicycle projects, may not have other sources of dedicated funding.

- Projects eligible for the program include: bicycle and pedestrian facilities that provide access to regional transit, lifeline transit, or schools; bicycle facilities on the Regional Bicycle Network defined in the Regional Bicycle Plan (December 2001); and regionally significant pedestrian projects.
- Funding requests must be at least \$300,000 and not more than \$4 million or the county's 12-year population share of funds, whichever is less. The minimum threshold recognizes the challenge of going through the federal-aid process for small amounts of money. The maximum threshold is necessary for the Commission to meet the requirement that each county will receive funds equal to 100% of its population share over a 12-year period.
- Consistent with Resolution 3615, San Francisco and Alameda counties can exercise the CMAQ crediting option since their existing sales tax measures commit a minimum of 5% of the sales tax measure funds to bicycle and pedestrian projects. These counties can receive a CMAQ credit (of up to 60% of their 75% population-share funding distribution in the Regional Bicycle and Pedestrian Program) for county sales tax measure funds dedicated to regional bicycle and pedestrian projects eligible under these guidelines. The CMAQ credit will be given at the start of each funding cycle. CMAs will report back to MTC at the end of each cycle with evidence that credited dollars were spent to implement eligible bike/pedestrian projects meeting the eligibility criteria in these guidelines. No credit will be allowed during the first two fiscal years of the program (FY 2005/06 and FY 2006/07).
- Projects in the County Portion will be selected based on criteria developed at the discretion of each CMA. CMAs will also identify projects to be submitted to MTC for consideration for the Regional Portion. CMAs are directed to develop both lists with review of bicycle and pedestrian interests through the CMAs' Bicycle and Pedestrian Advisory Committee or other advisory groups.
- A committee of representatives from the CMAs, Regional Bicycle Working Group, and Regional Pedestrian Committee will evaluate projects for the Regional Portion based upon the degree to which they address the six factors listed below (See Table 2 in the guidelines for the detailed scoring criteria.). The Commission will adopt the Regional Program based on a recommendation from this committee.
 - Provide bike and/or pedestrian access to transit, schools, regional activity centers
 - Eliminate major gap or obstacle in a bike or pedestrian facility
 - Have community support
 - Address safety concerns
 - Provide local matching funds
 - Are regionally significant

Next Steps

MTC staff anticipates issuing a Call for Projects in late September 2004 with project lists (for both county and regional portions) due to MTC in January 2005. The Commission would likely adopt the program and amend the TIP in March 2005.

Recommendation

Staff recommend the Committee refer MTC Resolution No. 3644 to the Commission for approval

Steve Heminger

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Metropolitan Transportation Commission Programming and Allocations Committee

July 14, 2004

Item Number 7

Resolution No. 3644

Subject: Regional Bicycle and Pedestrian Program Guidelines

Background: In December 2003 the Commission created the Regional Bicycle and Pedestrian Program to fund construction of the Regional Bicycle Network and regionally significant pedestrian projects. Furthermore, the Commission committed \$200 million in Phase One of Transportation 2030 to support the regional program over a 25-year period.

In accordance with MTC Resolution No. 3615, a total of \$32 million in Congestion Mitigation and Air Quality Improvement (CMAQ) funds is available for programming regional bicycle and pedestrian funds over a four year period spanning Cycles 2 and 3 of the region's STP/CMAQ program (FY 2005-06 through FY 2008-09).

A task force comprised of CMA staff and representatives of the Regional Bicycle Working Group and the Regional Pedestrian Committee was formed to develop program alternatives and funding policies to implement the regional program. In June the draft guidelines were presented to the Regional Bicycle Working Group, Regional Pedestrian Committee, and the Partnership Technical Advisory Committee for review and comment now reflected in this document.

The attached program guidelines describe the process and criteria by which eligible grantees can apply for and receive Regional Bicycle and Pedestrian program funds.

Recommendation: Refer MTC Resolution No. 3644 to the Commission for approval.

Attachments: Executive Director's Memorandum
MTC Resolution No. 3644